

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

Case No. SA-18-CV-0998-JKP

89.9270303 BITCOINS, MORE OR LESS,
SEIZED FROM TREZOR VIRTUAL
CURRENCY WALLET BELONGING TO
JAYMES ALLEN CLARK, et al.,

Respondents.

ORDER

The Court has under consideration a *Motion to Extend Deadline for Rule 59 Motion* (ECF No. 44) filed by Claimants. Finding no need for a response, the Court **DENIES** the motion because the Court has entered no judgment in this case to implicate Fed. R. Civ. P. 59. At this point in the litigation, any motion to reconsider would fall within the parameters of Fed. R. Civ. P. 54(b). *See McClendon v. United States*, 892 F.3d 775, 781 (5th Cir. 2018) (recognizing the applicability of Rule 54(b)); *Austin v. Kroger Tex., L.P.*, 864 F.3d 326, 336 (5th Cir. 2017) (per curiam) (clarifying relationship between Rules 54(b) and 59(e)).

Although Rule 54(b) provides no deadline for a motion to reconsider an interlocutory order, such motion may not be “unreasonably delayed.” *See Thakkar v. Balasuriya*, No. CIV.A.H-09-0841, 2009 WL 2996727, at *1 (S.D. Tex. Sept. 9, 2009) (citing *Standard Quimica De Venezuela v. Cent. Hispano Int’l, Inc.*, 189 F.R.D. 202, 205 (D.P.R. 1999)). Further, courts may impose a deadline on such motions and deny them as untimely. *See, e.g., Dodson Int’l Parts, Inc. v. Williams Int’l Co., LLC*, No. 2:16-CV-02212-JAR-ADM, 2020 WL 3216568, at *5 (D. Kan. June 15, 2020) (relying on D. Kan. Rule 7.3(b) (addressing motions to reconsider and setting a fourteen-day


deadline)), *aff'd*, No. 20-3193, 2021 WL 4142693 (10th Cir. Sept. 13, 2021), and *aff'd*, No. 20-3193, 2021 WL 4142693 (10th Cir. Sept. 13, 2021).

In this case, the Court issued its Memorandum Opinion and Order (ECF No. 39) on September 22, 2021. Claimants have sought to move to reconsider that order by October 20, 2021. The Court finds that deadline reasonable for a Rule 54(b) motion to reconsider the Memorandum Opinion and Order.

For the foregoing reasons, the Court **DENIES** the *Motion to Extend Deadline for Rule 59 Motion* (ECF No. 44) but nevertheless **ORDERS** that any Rule 54(b) motion to reconsider the September 22, 2021 Memorandum Opinion and Order shall be filed **on or before October 20, 2021**. For untimeliness alone, the Court may deny any untimely filed motion to reconsider.

IT IS SO ORDERED.

SIGNED this 5th day of October 2021.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE